

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEURONTIN MARKETING AND)	
SALES PRACTICES LITIGATION)	MDL Docket No. 1629
)	
)	Master File No. 04-10981
THIS DOCUMENT RELATES TO:)	
ALL ACTIONS)	Judge Patti B. Saris
)	

DEFENDANTS' STATEMENT REGARDING SCHEDULING CONFERENCE

In advance of the May 13, 2005, Scheduling Conference, Defendants Pfizer Inc. and Warner-Lambert Company respectfully submit the following response to the MDL Plaintiffs' Status Report and Proposed Agenda.

On March 25, 2005, Defendants filed a motion for a stay or, in the alternative, for an enlargement of time to respond to the complaint in the tag-along case entitled *Assurant Health, Inc. et al. v. Pfizer*, Docket No. 05-10535. On March 30, the Court entered an Electronic Order allowing the motion for enlargement of time and setting a "Scheduling Conference" for May 13, 2005. Defendants understand that the Scheduling Conference is for the purpose of addressing issues relating to the coordination and/or consolidation of *Assurant Health*.

Defendants understand that the MDL Plaintiffs intend to raise other matters at the Scheduling Conference. First, the MDL Plaintiffs apparently intend to report on the status of discovery and to request the appointment of a Magistrate Judge. As to this issue, the parties have exchanged written discovery and have scheduled a time to meet and confer on Tuesday May 17, 2005. Thus, no discovery issues are ripe. Nevertheless, Defendants do not oppose the assignment of a Magistrate Judge at this time.

Second, the MDL Plaintiffs have provided the Court with a proposed Case Management Order No. 4 concerning coordination of the personal injury cases that have been recently transferred to this Court. Defendants believe that the Court's consideration of a case management order relating to the personal injury cases should be deferred for a short period because (i) counsel for Defendants were provided with the MDL Plaintiffs' draft only yesterday, two days in advance of the conference, and, as the MDL Plaintiffs acknowledge, the parties have not engaged in any negotiations concerning the draft or the many issues it implicates, (ii) only five personal injury cases have been transferred to the Court, and (iii) a number of additional cases involving other plaintiffs' counsel will soon be transferred to this Court. In light of the foregoing, Defendants believe that case management issues regarding the personal injury cases would be more efficiently dealt with in one or two weeks' time.

Dated: May 12, 2005

Respectfully submitted,

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